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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CLRB HANSON INDUSTRIES, LLC d/b/a INDUSTRIAL PRINTING, and HOWARD STERN, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

GOOGLE INC.,

Defendants.

CASE NO. C 05-03649 JW

DECLARATION OF DAVID T. BIDERMAN IN SUPPORT OF JOINT STIPULATION TO CHANGE THE TIMES SET IN THE COURT'S AMENDED DECEMBER 8, 2008 CASE MANAGEMENT ORDER

Judge: Honorable James Ware

Dockets.Justia.com

I, David T. Biderman, declare as follows:

1. I am an attorney duly licensed to practice law in all of the courts of the State of California and this Court, and am an attorney with the law firm of Perkins Coie LLP, counsel for defendant Google Inc. ("Google") in this action. I submit this declaration in support of the Joint Stipulation to Change the Times Set in the Court's Amended December 8, 2008 Case Management Order. I have personal knowledge of the facts set forth below. If called upon to testify, I could and would testify competently as to the matters set forth herein.

2. Since the Court's issuance of its Amended December 8, 2008 Case Management Order, the parties have made diligent efforts to settle this action, including two face-to-face meetings.

3. During the last meeting this week, the parties believed that the discussions had progressed to such a point that they agreed, subject to the Court's approval, to a 45-day moratorium for all litigation activities so that they can focus on attempting to settle this action.

4. Any settlement of this putative class action will necessarily be complex. The parties believe that they will be able to work out a settlement in the near term only if they are able to direct all efforts to reaching a resolution.

5. The parties are requesting only a 45-day continuance of the dates set for in the Amended December 8, 2008 Case Management Order. Those dates have not been previously modified. This short continuance will not affect other dates because this Court has not set a new date for the class certification hearing or for trial. Previously, in its October 2, 2008 Order Continuing Case Management Conference, this Court vacated the November 21, 2008 hearing date for Plaintiffs' Motion for Class Certification.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 8th day of January, 2009, at San Francisco, California.

/s/

David T. Biderman